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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,213	07/03/2003	Robert A. Lewandowski		5732

7590 04/05/2006
Robert J. Bird
86 French Road
Rochester, NY 14618

EXAMINER

HSU, RYAN

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/612,213

Applicant(s)

LEWANDOWSKI, ROBERT A.

Examiner

Ryan Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

In response to the amendments filed on 1/18/2006, claims 1 and 9 have been canceled and new claims 17-18 have been added. Claims 2-8, and 10-18 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3, 5-8, and 10-11, and 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockdale et al. (US 6,503,147 B1) and in further view of Lam et al (US 6,899,627 B2).

Regarding claims 17 and 18, Stockdale et al teach in a game system that incorporates a universal serial bus (USB) game machine for communication with a plurality of peripheral devices using a common protocol for communication. Stockdale teach that this type of system would allow for a simplified process for installing or removing devices to communicate with the master gaming controller. Additionally, Stockdale teaches a system that implements: a controller chip to process input functions to a PC (*ie: peripheral controller from master gaming controller*) and output functions from the PC (*ie: master gaming controller [200] sending functions to peripheral controller*); and an input function transmitter operatively connected to the controller chip to transmit input functions to the controller chip (*see abstract, col. 3: ln 20-42, col. 4: ln 33-53*); and an output function receiver operatively connected to the controller chip to receive output

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functions from the controller chip (*see HUB [220] of Fig. 2 and Master Controller Communication [306] of Fig. 3 and the respective related description thereof*). Furthermore, Stockdale teaches the claimed invention except for the USB device to be external as opposed to internal. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to externalize the USB device since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. However, Stockdale et al. is not specific with regard to the removable connections via USB and the interaction between a USB gaming machine and a PC. However, in a related patent Lam et al. teaches that the peripheral controller and the master gaming controller communicate with regard to configure and control one or more games and to communicate with a plurality of USB gaming peripherals using the USB compatible communications. Additionally, Lam teach that the purpose of using the USB protocol to communicate with the different devices is because it would simplify the wiring process and downtime when modifying gaming machines. Furthermore, Lam teach a USB game machine (*ie: peripheral controller*) that is operable with PC software on the computer, and games on the PC software (*ie: master gaming controller*) are operable to interact with input/output functions of the game machine (*see col. 2: ln 30-col. 3: ln 2*). Therefore it would have been obvious to one of ordinary skill in art to apply the updated teachings of Lam with regard to USB peripheral communication devices into Stockdale at the time of the invention to further realize the advantages of the USB communication set up can provide.

Regarding claims 2 and 10, Stockdale teaches an USB game machine wherein an input function transmitter includes a coin/token input sensing device (*see coin acceptor [28] and bill validator [30] of Fig. 1 and the related description thereof*).

Regarding claims 3 and 11, Stockdale teaches an USB game machine wherein an input function transmitter includes a front panel button control switch (*see button panel [218], player-input switch [32] of Fig. 1-2 and the related description thereof*).

Regarding claims 5 and 13, Stockdale teaches an USB game machine wherein an input function transmitter includes a magnetic card reading device (*see card reader [26] of Fig. 1 and the related description thereof*).

Regarding claims 6 and 14, Stockdale teaches an USB game machine wherein an output function receiver includes a coin-dispensing driver (*see master gaming controller [200] and coin hopper [212] of Fig. 2 and the related description thereof*).

Regarding claims 7 and 15, Stockdale teaches an USB game machine wherein an output function receiver includes button on-off lights (*see col. 6: ln 1-15, col. 11: ln 25-42*).

Regarding claims 8 and 16, Stockdale teaches an USB game machine wherein an output function receiver includes magnetic card data storage (*see player card [20] of Fig. 1 and the related description thereof, fixed memory [310] of Fig. 3 and the related description thereof, col. 10: ln 32-56*).

Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stockdale et al. and Lam et al. as applied to claims above, and further in view of LeStrange et al. (US 5,371,345).

Regarding claims 4 and 12, Stockdale teaches the implementation of game machine that uses the USB protocol to communicate with all of its peripheral devices and pass signals for the operation of a game stored in memory. One of the inputs that the controller receives implements a run switch (*see panel buttons [32] of Fig. 1 and the related description thereof*). However, Stockdale is silent with regards to the implementation of a pull-down arm run switch.

LeStrange et al teaches in an analogous game machine that communicates with a central data system the implementation of a pull-down arm handle. LeStrange teaches how the implementation of the pull-down arm switch is common and well known in the art of gaming machines (*see handle [22] of Fig. 1 and the related description thereof*). One would be motivated to implement the pull-down arm handle as it attracts customers as a way to connect the advance electrical game machines of the present with the old mechanical game machines of the past. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to implement a pull-arm handle with the USB game machine features of Stockdale.

Response to Arguments

Applicant's arguments filed 1/18/06 have been fully considered but they are not persuasive. Applicant argues that the term "peripherals" is defined by Stockdale as components that are internal (in the box) as opposed to external as by the applicant. However the specification of the applicant fails to define how the word peripheral is actually meant and therefore does not have enablement for the refined definition of "peripheral" as claimed by the applicant's representative. Furthermore, as discussed above the removable nature of peripheral devices when implemented with USB is inherent with the USB protocol and taught as one of the advantages of incorporating the USB protocol into computing devices. Therefore the Examiner

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respectfully disagrees with the Applicant's arguments and has addressed the new issues in the rejection above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kim (US 6,646,685 B1) - Method for Controlling On-screen display operation of display apparatus with auxiliary USB input/output terminal.

Barret et al. (US 6,708,247 B1) - Extending Universal Serial Bus to Allow Communication with USB Devices at a remote Location.

Miura (US 6,354,943 B1) – Game System and Information Storage Medium.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

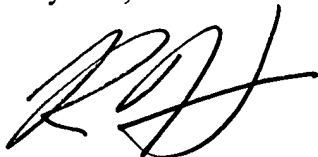
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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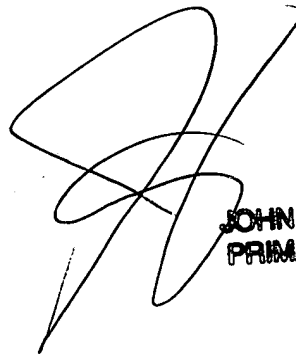
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan Hsu whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571)272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RH
March 21, 2006



JOHN M. HOTALING, II
PRIMARY EXAMINER